

## DEPARTMENT OF VETERANS AFFAIRS

### Justification and Approval For Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, NCO 12, Great Lakes Acquisition Center, 115 South 84<sup>th</sup> Street, Milwaukee, WI 53214

**Nature and/or Description of the Action Being Processed:**

607-14-1-5652-0002, 537-14-1-6966-0001, 556-14-1-2993-0003, 578-14-1-6069-0001, 585-14-1-6778-0001, 676-14-1-5652-0001, 695-14-1-5969-0001.

The VA Medical Facilities located in Wisconsin and Illinois; including the Clement J. Zablocki Medical Center, Madison VA, WI, Oscar G. Johnson VAMC in Iron Mountain, MI, the Tomah VAMC in Tomah, WI, FHCC in North Chicago, IL, Jesse Brown VAMC in Chicago, IL, Hines VAMC in Hines, IL and all associated Community Based Outpatient Clinic, currently have Liveprocess software for integrated Emergency Preparedness, Communications, Incident Management, and Compliance software solution. Software provides efficient Emergency Management program management by streamlining the four phases of Emergency Management (EM): mitigation, preparedness, response and recovery.

This is a follow on contract for the software licenses, notifications and support services.

The open market portion of this requirement is the unlimited messaging and the support services.

**2. Description of Supplies/Services Required to Meet the Agency's Needs:**

- a. The base year is [REDACTED] GSA and [REDACTED] Open Market.
- b. Option year 1 will be [REDACTED] GSA and [REDACTED] Open Market
- c. Option year 2 will be [REDACTED] GSA and [REDACTED] Open Market
- d. For a total of [REDACTED] GSA, [REDACTED] open market and [REDACTED] total.

The proposed contractor is the only responsible source capable of providing a system that ties into the Navy Medicine East facilities/integrated systems at FHCC, ties into current systems utilized in neighboring VISN 11, and has all of the capabilities listed in the required services section. The system is proprietary and does not function in coordination with any other commercially available system.

No other software system currently could tie into the affiliated system with all the capabilities required. The open market portion of this requirement is directly linked to the software available on FSS contract. It is imperative that this solution include integrated high-speed communication services that can be used whenever it becomes necessary to notify staff, partners, or others, to activate the Incident Command System, or urgently to make any general business communications faster and more efficient. It is not acceptable to have loosely linked applications to meet the requirements.

**3. Statutory Authority Permitting Other than Full and Open Competition:**

- (X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy

- Agency Requirements per FAR 6.302-1;  
( ) (2) Unusual and Compelling Urgency per FAR 6.302-2;  
( ) (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;  
( ) (4) International Agreement per FAR 6.302-4  
( ) (5) Authorized or Required by Statute FAR 6.302-5;  
( ) (6) National Security per FAR 6.302-6;  
( ) (7) Public Interest per FAR 6.302-7;

4. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):

Liveprocess is the only vendor that can meet the VA's needs. Liveprocess software is currently being used in VISN 12. Software is compatible with the VA hospitals in neighboring VISN 11 and the Navy facility (FHCC).

No other software system currently could tie into the affiliated system with all the capabilities required. The open market portion of this requirement is directly linked to the software available on FSS contract. It is imperative that this solution include integrated high-speed communication services that can be used whenever it becomes necessary to notify staff, partners, or others, to activate the Incident Command System, or urgently to make any general business communications faster and more efficient. It is not acceptable to have loosely linked applications to meet the requirements.

5. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable: Proprietary software to Liveprocess so the open market portion notifications of this requirement cannot be provided by any other vendor. An intent to sole source was posted to FBO on 9/3/2013 and 1 response was received. The technical team determined that the 1 capability statement would not meet the VA's needs.

6. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: The open market portion of the base year is [REDACTED] and this is for unlimited messaging and support services. All of the quotes for support service include a [REDACTED] discount. The unlimited notification and the message units for the clinics rates are all based on the size of the hospital and how many clinics. Also for consolidating VISN 12 will receive a [REDACTED] discount.

A new system that is not Live Process would require VISN 12 to spend at least 120 hours of work per facility/network office to enter and configure all contact information and data, set up and conduct testing and then train and exercise all users on a new system. This is a total of at least 960 administrative man-hours (not including end user time requirements of the 15,000 staff in the VISN) that leaves VISN vulnerable to disasters while in transition. VISN 12 does not have the resources to complete all this set up.

The anticipated cost is considered to be fair and reasonable

7. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: Searches on SBA Dynamic Business Search, GSA, VIP, CCR, VetBizOpps, UNICOR, AbilityOne, FBO.gov and Google resulted in no responsible service providers with all the required services as well as the ability to tie

into a proprietary system used by partnering organizations. The VISN also solicited a similar requirement via SDVOSB set-aside procurement on Fed Bid. The solicitation received only one response that was ultimately determined technically unacceptable. The initial solicitation process that resulted in no qualified responses from SDVOSB businesses provides further evidence that only one responsible source has the required capabilities. Other market research included discussions with other VISNs, the emergency management coordinators throughout VISN 12, and with the contracting office of Navy Medicine East.

An intent to sole source was posted on FBO 09/03/2013.

8. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** In accordance with 8.402(f), for administrative convenience, an ordering activity contracting officer may add items not on the Federal Supply Schedule to a FSS BPA or an individual task or delivery order only if—(1) All applicable acquisition regulations pertaining to the purchase of the items not on the FSS have been followed:
1. *Competition requirements:* this limited source justification will be posted to FBO as well intent to sole source
  2. *Acquisition of commercial items, contracting methods and small business programs:* Yes
  3. *Determined the price for the items not on the FSS is fair and reasonable:* VISN 12 will receive a [REDACTED] discount on the support services that are not on the FSS schedule also for consolidating VISN 12 will receive a [REDACTED] discount.

A portion of the open market unlimited messages service, which are additional to the Liveprocess FSS subscription.

There is no VA system with unlimited messaging. Each facility is limited in the number of messages they can send out in the VA systems (called VANS). In addition, VANS is still not operational nor would it meet our needs if it was at full capability.

To obtain all the features VA needs we would have to acquire multiple systems that would not be interconnected. VA would need to purchase several products to acquire the planning capability (Hazard vulnerabilities, Joint Commission items, HICS charts/forms, exercise management & forms/plans), Incident Command tracking and logs & virtual command system, and notification capabilities VA needs.

9. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** See Section VI above

10. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:** Market Research will be conducted again in the future as potential new software and services become available in the market place.

11. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

James Battista, Super-COR  
Name  
Title  
Facility

9/23/13  
Date

12. Approvals in accordance with FAR 6.304:

- a. Contracting Officer's Certification (required): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Ashley Johnson  
Ashley Johnson  
Contracting Officer  
Network Contracting Office 12, Great Lakes Acquisition Center

9/23/13  
Date

- b. NCM/PCM (Required \$3K and above): I certify the justification meets requirements for other than full and open competition.

Christine Hansen  
Christine Hansen  
Network Contract Manager  
Network Contracting Office 12, Great Lakes Acquisition Center

9/24/2013  
Date